



Order Filed on August 20, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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In re:

NEW ENGLAND MOTOR FREIGHT, INC., *et al.*,¹

Debtors.

Chapter 11

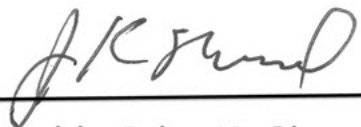
Case No. 19-12809 (JKS)

(Jointly Administered)

**ORDER GRANTING THE LIQUIDATING TRUSTEE'S SECOND OMNIBUS
OBJECTION TO CERTAIN EMPLOYEE WARN ACT CLAIMS**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.

DATED: August 20, 2020



Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: New England Motor Freight, Inc., *et al.*
Case No.: 19-12809 (JKS)
Caption: Order Granting the Liquidating Trustee's Second Omnibus Objection to Certain Employee WARN Act Claims

Upon the second omnibus objection (the "Omnibus Objection")² [Docket No. ____] of the Liquidating Trustee appointed in the above-captioned Chapter 11 Cases, seeking entry of an order, pursuant to sections 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rules 3007-1 and 3007-2, disallowing and expunging the Disputed Claims set forth on Exhibit A to this Order because each such claim has been released pursuant to the WARN Settlement Agreements that were approved by this Court's WARN Settlement Orders [Docket Nos. 155 and 1076]; and the Court having jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Omnibus Objection being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that proper and adequate notice of the Omnibus Objection has been given and that no other or further notice is necessary; and upon the record herein; and the Court having determined that the relief sought by the Omnibus Objection is in the best interests of the Debtors, their estates, and creditors; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Omnibus Objection is GRANTED as set forth herein.
2. The Disputed Claims listed on Exhibit A attached to this Order are hereby disallowed and expunged in their entirety.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Omnibus Objection.

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Debtor: New England Motor Freight, Inc., *et al.*

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Caption: Order Granting the Liquidating Trustee's Second Omnibus Objection to Certain Employee WARN Act Claims

3. For the avoidance of doubt, nothing in the Omnibus Objection or this Order shall be deemed or construed to (a) constitute an admission as to the validity or priority of any claim against the Debtors, (b) an implication or admission that any particular claim is of a type specified or defined in this Order or the Omnibus Objection, and/or (c) constitute a waiver of the Liquidating Trustee's rights to dispute any claim on any grounds.

4. The Liquidating Trustee, the Debtors, their claims and noticing agent (Donlin, Recano & Company, Inc.), and the Clerk of this Court are authorized to take any and all actions that are necessary or appropriate to give effect to this Order.

5. The objection to each Disputed Claim, as addressed in the Omnibus Objection and as set forth in Exhibit A attached hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each such Disputed Claim that is the subject of the Omnibus Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Omnibus Objection and this Order.

6. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Omnibus Objection or otherwise waived.

7. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

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Debtor: New England Motor Freight, Inc., *et al.*

Case No.: 19-12809 (JKS)

Caption: Order Granting the Liquidating Trustee's Second Omnibus Objection to Certain Employee WARN Act Claims

8. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

EXHIBIT A

NEW ENGLAND MOTOR FREIGHT, INC., ET AL
CASE NO.: 19-12809 (JKS)

PRIORITY EMPLOYEE CLAIMS

Claims to be Expunged - Employee Claims deemed Resolved per WARN Settlement					
Debtor Name	Creditor Name & Address	Date Filed	Claim No.	Claim Amount	Claim Class
NEW ENGLAND MOTOR FREIGHT, INC.	AGUIRRE*DONALD 1506 PLYMOUTH CIR CARPENTERSVILLE, IL 60110	5/21/2019	468	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BACHMANN*DANIEL 254 JUNIPER DR ETTERS, PA 17319	6/10/2019	758	\$ 840.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BARNES*CATINA 21 OAKLEY ST APT 2 NEW HAVEN, CT 06512	5/16/2019	376	\$ 1,500.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BLACKWELL*IVORY PO BOX 3558 JOLIET, IL 60434-3558	6/12/2019	792	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BLISS*CHARLES 8419 BOYKO FARM CICERO, NY 13039	5/31/2019	695	\$ 1,024.80	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BORKLAND*JEFFREY 84 WHISPERING OAKS WAY JACKSON, NJ 08527	6/20/2019	1180	\$ 12,850.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BREEDY*WINSTON 110 KENYON AVE #28 PAWTUCKET, RI 02861	6/7/2019	786	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BRIAN FISHER 18444 WOODSIDE DR HAGERSTOWN, MD 21740	6/4/2019	647	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	BRYAN*DESMOND 345 HARRISON AVE ROSELLE, NJ 07203	6/10/2019	760	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	COLE*STEVEN 25 CRABAPPLE DR YORK HAVEN, PA 17370	5/22/2019	526	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	COSBY*MICHAEL 7 STANDISH RD LOCKPORT, NY 14094	6/7/2019	783	\$ 940.00	Priority

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NEW ENGLAND MOTOR FREIGHT, INC.	CRITCHLOW*ROBIN 6161 WINDING HILLS DR MECHANICSVILLE, VA 23111	6/3/2019	682	\$ 28,768.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	DA ROCHA*JOSHUA 119 NASH RD NEW BEDFORD, MA 02746	6/12/2019	907	\$ 693.84	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	DIAZ*JOSE 25 DINO DR KEASBEY, NJ 08832	5/24/2019	554	\$ 12,850.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	EDWARDS*DEMETRIES 7604 AMORE CIR BALTIMORE, MD 21228	5/28/2019	601	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	EPPELMANN*STEPHEN 102 PATROON DR APT 6 GUILDERLAND, NY 12084	5/31/2019	673	\$ 1,250.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	FETZKO*SCOTT 111 HUDSON AVE GREEN ISLAND, NY 12183	6/11/2019	790	\$ 6,500.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	FITZGERALD*DANIEL 100 CHATHAM ROSELLE, IL 60172	5/28/2019	566	\$ 1,100.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	FRONHEISER*HOWARD 90 SPADA DR LEHIGHTON, PA 18235	6/6/2019	744	\$ 4,400.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	GUERCIO*THOMAS 14155 TORIE DR NORTH HUNTINGDON, PA 15642	6/17/2019	1157	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	HELFENSTEIN*BRIAN 3 DOWNING ST APT 3 CONCORD, NH 03301	6/28/2019	1206	\$ 2,320.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	HESSLER*TIMOTHY 8422 TUTTLE RD BRIDGEPORT, NY 13030	5/21/2019	441	\$ 5,960.66	Priority

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NEW ENGLAND MOTOR FREIGHT, INC.	HILL III*WILLIAM F 1118 GREENWOOD AVE AKRON, OH 44320	6/11/2019	830	\$ 12,850.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	HILL*ANDREW W 14 PROSSEDA DR DANVILLE, PA 17821	6/17/2019	1158	\$ 4,400.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	LUKSCH*ANTHONY 5 MEADOW CT E WHITELAND, IN 46184	6/19/2019	1170	\$ 1,520.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	MAYBEN*THOMAS 104 DICKENS ST PAWTUCKET, RI 02861	6/10/2019	767	\$ 3,690.56	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	MILBY*RONALD 42 WILLOW CEDAR WAY BLACKWOOD, NJ 08012	6/10/2019	771	\$ 1,503.72	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	MUNGROO*BHOLA 51 W 2ND ST BAYONNE, NJ 07002	7/8/2019	1217	\$ 12,850.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	NAGAJEW*JOHN HARRIET A NAGAJEW 1707 PEBBLE BEACH DR PLAINFIELD, IL 60586	5/29/2019	630	\$ 640.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	PEARSON*NEAL 3081 DEEPWATER WAY EDGEWOOD, MD 21040	6/18/2019	1067	\$ 26,099.59	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	RICHARDSON*RICHIE RICH RICHARDSON 89 HARTMAN AVE GARFIELD, NJ 07026	6/18/2019	1057	\$ 8,216.66	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	ROE*JACOB 3205 ROESCH BLVD APT 1 FAIRFIELD, OH 45014	5/21/2019	465	\$ 4,000.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	SAIA*JEFFREY 190 INDEPENDENCE LN PH625 MAITLAND, FL 32751	6/11/2019	831	\$ 2,000.00	Priority

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NEW ENGLAND MOTOR FREIGHT, INC.	SERPICA*ALYSON 13 E 28TH ST BAYONNE, NJ 07002	5/28/2019	569	\$ 600.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	STEVENS*EDWARD 129 FISHERVILLE RD APT 33 CONCORD, NH 03303	5/21/2019	450	\$ 1,500.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	WILHOIT*GEORGE 1425 5TH ST NATRONA HEIGHTS, PA 15065	5/21/2019	466	\$ 12,850.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	WILSON JR*JOHN J 44 HEMLOCK GARDENS HARVEYS LAKE, PA 18618	6/10/2019	776	\$ 1,000.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	WINGFIELD*TODD 6134 STRONGHOLD DR MECHANICSVILLE, VA 23111	8/13/2019	1275	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	WOODS*GENNAREH 1576 MAGOFFIN AVE COLUMBUS, OH 43207	6/10/2019	763	\$ -	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	YARBROUGH*JONATHAN 1677 FALLING LEAF LN GALLOWAY, OH 43119	6/17/2019	964	\$ 600.00	Priority
NEW ENGLAND MOTOR FREIGHT, INC.	YOST*LEROY 1731 STANTON HILL RD NICHOLS, NY 13812	5/28/2019	595	\$ -	Priority
TOTAL EXPUNGED CLAIMS:			41 Claims	\$ 175,317.83	